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25 November 1991

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Forty-sixth session
THIRD COMMITTEE
Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Colombia, Costa Rica, Ecuador, Greece, Morocco, Netherlands, Nigeria, Portugal, Romania and Venezuela: draft resolution

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The General Assembly,

Recalling Economic and Social Council decisions 16 (LVI) and 17 (LVI) of 17 May 1974, by which it authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to establish a Working Group on Slavery, renamed the Working Group on Contemporary Forms of Slavery by the Commission on Human Rights in its resolution 1988/42 of 8 March 1988, 1/

Taking note of Commission on Human Rights resolution 1991/58 of 6 March 1991, 2/ on the Report of the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities,

Taking note of Economic and Social Council resolution 1991/34 of 31 May 1991, by which it requested the General Assembly to establish a voluntary fund on contemporary forms of slavery,

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1/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

2/ Ibid., 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

Convinced that the establishment of a voluntary trust fund on contemporary forms of slavery would constitute a significant development for the protection of human rights of victims of contemporary forms of slavery,

1. Decides to establish a voluntary trust fund in accordance with the following criteria:

(a) The name of the fund shall be the United Nations Trust Fund on Contemporary Forms of Slavery;

(b) The purposes of the Fund shall be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery;

(c) Funding shall take place by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;

(d) The only types of activity to be supported by the Fund are those described in subparagraph (b) above;

(e) The only beneficiaries from the Fund shall be:

(i) Representatives from non-governmental organizations dealing with issues of contemporary forms of slavery:

a. Who are so considered by the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery described in subparagraph (f) below;

b. Who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund;

c. Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery;

(ii) Individuals whose human rights have been severely violated as a result of contemporary forms of slavery and who are so considered by the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;

(f) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution;

2. Appeals to all Governments to respond favourably to requests for contributions to the Fund.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Netherlands: draft decision

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1/ and requests the Secretary-General to report to the General Assembly at its forty-eighth session on the status of the Convention.

1/ A/46/394.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Algeria, Argentina, Bolivia, Brazil, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, Ethiopia, Guatemala, India, Lesotho, Libyan Arab Jamahiriya, Mali, Mexico, Morocco, Nigeria, Peru, Philippines, Rwanda, Senegal, Sudan, Suriname, Tunisia, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe: draft resolution

Right to development

The General Assembly,

Recalling the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, 1/

Recalling its resolution 45/97 of 14 December 1990, and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1991/15 of 22 February 1991, 2/

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right, 3/

1/ Resolution 41/128, annex.

2/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

3/ E/CN.4/1990/9/Rev.1.

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights has entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Recalling its resolution 45/155 of 18 December 1990, in which it decided, inter alia, that one of the objectives of the 1993 World Conference on Human Rights would be to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, 4/

Having considered the comprehensive report of the Secretary-General prepared pursuant to General Assembly resolution 45/97, 5/

1. Reaffirms the importance of the right to development for all countries, in particular the developing countries;

2. Takes note with interest of the comprehensive report of the Secretary-General prepared in accordance with General Assembly resolution 45/97;

3. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-seventh session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1990/18 of 23 February 1990; 6/

4. Reiterates the need for a continuing evaluating mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration;

4/ See resolution 2200 A (XXI), annex.

5/ E/CN.4/1991/12 and Add.1.

6/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

5. Requests the Office of the Director-General for Development and International Economic Cooperation and the Centre for Human Rights of the Secretariat to continue coordination of the various activities with regard to the implementation of the Declaration;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Urges also the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreement on arrangements for the implementation of the Declaration through international cooperation;

8. Requests the Secretary-General to inform the Commission on Human Rights at its forty-eighth session and the General Assembly at its forty-seventh session of the activities of the organizations of the United Nations system on the implementation of the Declaration;

9. Calls upon the Commission to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusions and recommendations of the Global Consultation and replies contained in the report of the Secretary-General prepared in accordance with the relevant decisions of the Commission and the General Assembly;

10. Endorses the call of the Commission to the Preparatory Committee for the World Conference on Human Rights to take fully into account the Declaration in examining the relationship between development and the enjoyment of human rights;

11. Decides to consider this question at its forty-seventh session under the item entitled "Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Australia: draft decision

Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly, aware that the Government of Australia has notified in writing a request for amendment to article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination 1/ by substituting the existing paragraph with a new paragraph reading "The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention." and by adding a new paragraph reading "The members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide." 2/ and noting that article 23 of the Convention requires the General Assembly to decide upon the steps, if any, to be taken in respect of such a request, decides: (a) to request the States parties to the Convention to consider the proposed amendment at their next meeting in January 1992; and (b) to request the meeting of States parties to limit the scope of any revision of the Convention to the question of arrangements for meeting the expenses of members of the Committee while they are in performance of Committee duties as provided for in article 8, paragraph 6, of the Convention.

1/ Resolution 2106 A (XX), annex.

2/ A/C.3/46/5.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Belarus, Bulgaria, Cameroon, Chile, Costa Rica, Czechoslovakia, India, Mongolia, Morocco, New Zealand, Nigeria, Philippines, Samoa, Senegal, Ukraine, Union of Soviet Socialist Republics and Yugoslavia: draft resolution

National institutions for the protection and promotion of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolution 41/129 of 4 December 1986 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1988/72 of 10 March 1988, 1989/52 of 7 March 1989 and 1990/73 of 7 March 1990, and taking note of Commission resolution 1991/27 of 5 March 1991,

Emphasizing the importance of the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in protecting and promoting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the protection and promotion of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Recalling the recommendations contained in General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30 inviting the Preparatory Committee to examine ways and means by which the World Conference on Human Rights could encourage the establishment or strengthening of national institutions,

Noting the diverse approaches adopted throughout the world for the protection and promotion of human rights at the national level, and recognizing the value of such approaches to promote universal respect for, and observance of, human rights and fundamental freedoms,

1. Takes notes with satisfaction of the updated report of the Secretary-General on national institutions for the protection and promotion of human rights prepared in accordance with General Assembly resolution 44/64 of 8 December 1989; 3/

2. Reaffirms the importance of development, in accordance with national legislation, effective national institutions for the protection and promotion of human rights and of maintaining their independence and integrity;

3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the protection and promotion of human rights and to incorporate those elements in national development plans;

4. Takes note of the progress made in this area in the past few years and of the increased number and effectiveness of national institutions for the promotion and protection of human rights in all parts of the world;

3/ E/CN.4/1991/23 and Add.1.

5. Notes the efforts of the Centre for Human Rights of the United Nations Secretariat to increase cooperation with regional and national institutions;

6. Encourages initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist;

7. Requests the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance, public information and education in the field of human rights;

8. Also requests the Centre for Human Rights to establish upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the use of available resources including within the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

9. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the protection and promotion of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, including national centres for human rights documentation and training;

10. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and operation of such national institutions;

11. Affirms the role of national institutions as agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

12. Recognizes the constructive role that non-governmental organizations can play in relation to national institutions;

13. Welcomes the convening of a workshop on this subject by the Centre for Human Rights in Paris in October 1991 as was requested in Commission on Human Rights resolution 1990/73;

14. Requests the Secretary-General to forward the results of that meeting to the Commission on Human Rights;

15. Also requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

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THIRD COMMITTEE
Agenda item 98 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Belarus, Canada, Costa Rica, Denmark, Ecuador, El Salvador, Finland, Hungary, Iceland, Italy, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Senegal, Spain, Sweden and Union of Soviet Socialist Republics: draft resolution

International covenants on human rights

The General Assembly,

Recalling its resolution 45/135 of 14 December 1990 and Commission on Human Rights resolution 1991/16 of 22 February 1991, 1/

Mindful that the International Covenants on Human Rights 2/ constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 3/ form the core of the International Bill of Human Rights,

Considering that the twenty-fifth anniversary of the adoption of the Covenants on 16 December 1991 provides an appropriate occasion to focus on the

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1/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 217 A (III).

fundamental importance and special status of these basic human rights instruments of the United Nations,

Taking note of the report of the Secretary-General 4/ on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

Noting the entry into force on 11 July 1991 of the Second Optional Protocol aiming at the abolition of the death penalty,

Noting, in this regard, that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights 2/ and the International Covenant on Civil and Political Rights 2/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, 5/

Also recognizing the important role of the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the submission to the General Assembly of the annual report of the Human Rights Committee 6/ and the report of the Committee on Economic, Social and Cultural Rights on its fifth session, 7/

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

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4/ A/46/393.

5/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

6/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 40 (A/46/40).

7/ Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23).

Taking note with satisfaction of the ongoing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve their methods of work,

Noting with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights,

1. Takes note with appreciation of the report of the Human Rights Committee on its fortieth, forty-first and forty-second sessions; 6/

2. Also takes note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fifth session, including its suggestions and recommendations;

3. Expresses its satisfaction with the serious and constructive manner in which both Committees are carrying out their function;

4. Urges States parties to the International Covenants on Human Rights to pay active attention to the protection and promotion of civil and political rights, as well as economic, social and cultural rights, taking into consideration their indivisible and interrelated character and the fact that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights;

5. Urges those States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;

6. Also urges States parties to fulfil their reporting obligations under the International Covenants on Human Rights;

7. Notes with satisfaction that the majority of States parties to the International Covenant on Civil and Political Rights and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights have been represented by experts in the presentation of their reports, thereby assisting the respective monitoring bodies in their work, and hopes that all Statse parties to both Covenants will arrange such representation in the future;

8. Again urges all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

9. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

10. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

11. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in these circumstances can be assessed;

12. Appeals to States parties of the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed;

13. Urges States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations bodies to extend their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

14. Requests the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the other treaty bodies, the Commission on Human Rights, functional commissions concerned, the Subcommission on Prevention of Discrimination and Protection of Minorities and, as appropriate, specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies;

15. Also requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates;

16. Again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

17. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many lanaguages as possible and to distribute them and make them known as widely as possible in their territories;

18. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session, under the item entitled "Human rights questions" a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Austria, Belgium, Benin, Canada, Chile, Côte d'Ivoire, Cyprus, Denmark, France, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Norway, Portugal, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland and Yugoslavia: draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 45/165 of 18 December 1990 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence of the practice of enforced disappearances in the world, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill-treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Recalling that the Working Group on Enforced or Involuntary Disappearances has referred on several occasions in its reports to the importance of drafting a declaration to enable it to fulfil its task properly,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1991/41 of 5 March 1991,

1. Notes with satisfaction that the open-ended working group established by Commission on Human Rights resolution 1991/41 has completed its consideration of the draft declaration on the protection of all persons from enforced or involuntary disappearances, which will be transmitted to the Commission on Human Rights for adoption at its forty-eighth session;

2. Requests the Commission on Human Rights to give this question high priority at its forty-eighth session;

3. Appeals to Governments to take appropriate steps to prevent and suppress the practice of enforced disappearances and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and thanks those Governments that have cooperated with it;

5. Welcomes the decision made by the Commission on Human Rights at its forty-sixth session to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

6. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to cooperate fully with it so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them;

7. Encourages the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling it to fulfil its mandate even more effectively;

8. Expresses its appreciation to those Governments that have cooperated with the Working Group and replied to its requests for information;

9. Extends its warm thanks to those Governments which have invited the Working Group, requests them to give all necessary attention to its recommendations and asks them to inform the Working Group of any follow-up measures taken;

10. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

11. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-eighth session;

12. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Spain, Uruguay and Venezuela: draft resolution

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant of Civil and Political Rights, 2/ and article 3 of the Geneva Conventions of 12 August 1949 3/ and Additional Protocol II thereto of 1977, 4/

Taking into account the commitments undertaken by the Central American Presidents in various joint statements on the promotion of, respect for and exercise of human rights,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970 to 973.

4/ Ibid., vol. 1125, No. 17513.

Noting with satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional are pursuing the negotiating process that was begun on 4 April 1990 under the auspices of the Secretary-General with a view to ending the armed conflict through political means as speedily as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society,

Taking into account the establishment of the United Nations Observer Mission in El Salvador, whose initial task, as part of a comprehensive peace-keeping operation, is to verify compliance with the partial agreement on human rights signed at San José on 26 July 1990, 5/

Noting with satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have agreed in Mexico City on important constitutional reforms on the issues relating to the armed forces, the judicial system, the electoral system and human rights which, with the exception of the issue relating to the armed forces, have already been ratified by the Legislative Assembly, and on the establishment of the Commission on the Truth for the purpose of investigating serious acts of violence that have occurred in El Salvador since 1980,

Noting with satisfaction the agreement reached by the two parties in New York on 25 September 1991, on the basis of which the negotiating process has continued intensively and without interruption, creating hopes that the set of political agreements necessary for ending the armed conflict can be agreed upon in the shortest possible time,

Concerned that, despite a reduction in their number, serious violations of human rights and of the humanitarian rules of warfare persist,

Noting with satisfaction that in the present context of the negotiating process, the Frente Farabundo Martí para la Liberación Nacional has unilaterally decided to desist from all offensive actions, urban operations and economic sabotage, and the Government of El Salvador has, for its part, decided to stop aerial bombing and the use of heavy artillery, decisions whose implementation is important in terms of increasing mutual trust and creating the necessary conditions for the achievement of a permanent cease-fire and the other objectives set out in the Geneva Agreement of 4 April 1990, 6/

5/ A/44/971-S/21541, annex; see Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990, document S/21541.

6/ See A/45/706-S/21931, annex I; see Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990, document S/21931.

1. Commends the Special Representative of the Commission on Human Rights for his provisional report on the situation of human rights in El Salvador, 7/ and endorses the recommendations contained therein;

2. Expresses its full support for the United Nations Observer Mission in El Salvador, which since 26 July 1991 has been verifying compliance with the partial agreement on human rights, and requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to extend all facilities required for the discharge of its functions, ensure its security and comply as promptly as possible with the recommendations made to them;

3. Expresses its satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, as part of their efforts to resolve the armed conflict, have signed agreements and established mechanisms for verification and monitoring in the field of human rights, full respect for which is essential to the attainment of a just and lasting peace;

4. Calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to take forthwith the actions and steps required to eradicate serious violations of human rights and of the humanitarian rules of warfare;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue negotiations until the necessary political agreements are arrived at to put an end to the armed conflict as speedily as possible, lay firm foundations for promoting the democratization of the country, guarantee full respect for human rights and bring about the reunification of Salvadorian society;

6. Recognizes that it is an important precedent in Salvadorian penal justice to have pronounced guilty, on 25 September 1991, two soldiers, one of them of high rank, involved in the assassination of the Rector and other Jesuit priests of the Central American University, their housekeeper and her daughter, and urges the competent authorities to continue their investigation in order to determine whether other persons may have been involved, with a view to assigning responsibility as appropriate;

7. Notes with satisfaction that, in conformity with the New York Agreement, the National Commission for the Consolidation of Peace has been set up in its transitory phase, constituting a mechanism for the monitoring of and the participation of civilian society in the process of the changes resulting from the negotiations between the parties;

8. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to strengthen the confidence-building and security measures adopted unilaterally in order to keep the armed conflicts suspended

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7/ A/46/529, annex.

until political agreements are reached as soon as possible which will definitively put an end to the armed conflict and achieve the other objectives established in the Geneva Agreement of 4 April 1990;

9. Supports fully the work of mediation being done by the Secretary-General and his Personal Representative in the search for a political solution to the armed conflict;

10. Decides to keep under consideration, during its forty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in conformity with the course of events in the country.

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Agenda item 98 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Algeria, Bangladesh, Bolivia, Colombia, Cuba, Czechoslovakia, Ecuador, France, Greece, Guatemala, Guinea, India, Italy, Mali, Mexico, Morocco, Nicaragua, Peru, Philippines, Portugal, Senegal, Sweden, Tunisia, Turkey, Uruguay, Yugoslavia and Zimbabwe: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination Against Women, 4/ and the Convention on the Rights of the Child, 5/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

5/ Resolution 44/25, annex.

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 45/158 of 18 December 1990, in which the General Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

1. Welcomes the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families at the previous session;

2. Takes note of the Secretary-General's note on the implementation of the Convention; 6/

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses hope that it will come into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting understanding thereof;

6. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its forty-seventh session under the item: "Human rights questions: implementation of human rights instruments".

6/ A/46/395.

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HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Austria, Belgium, Canada, Costa Rica, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Romania, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights;

Recalling Security Council resolution 688 (1991) of 5 April 1991 in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens are respected,

Recalling also the pertinent resolutions of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities which expressed grave concern at the flagrant violations of human rights by the Government of Iraq,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, and to submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session,

Deeply concerned by the volume and extent of allegations of human rights violations by the Government of Iraq, such as arbitrary arrests and detentions, enforced or involuntary disappearances, torture, inhuman or degrading practices, extrajudicial killings, summary or arbitrary executions, hostage-taking and use of persons as "human shields", lack of freedom of expression and of an independent judiciary,

Noting the Special Rapporteur's view that these allegations are each day increasing and necessitate considerable and detailed examination,

Deeply concerned by the fact that chemical weapons have been used on the Kurdish civilian population, by the forced displacement of hundreds of thousands of Kurds and the destruction of Kurdish towns and villages, as well as by the situation of tens of thousands of displaced Kurds living in camps in the north of Iraq, and by the deportation of thousands of Kurdish families,

Also deeply concerned by the repressive measures taken by the Government of Iraq against the Shiah communities in the south of Iraq,

Concerned especially by the alleged use of excessive force by the Government of Iraq against Iraqi civilians, in particular the Kurds and the Shi'ites,

Taking note with interest of the message conveyed to the Special Rapporteur by the Government of Iraq of its intention fully to cooperate with him, with such cooperation including acceptance of a visit to Iraq to investigate the allegations of violations of human rights in that country,

Regretting, however, that the Government of Iraq has failed to answer a considerable number of specific questions asked by the Special Rapporteur on acts being committed by the Government of Iraq that are incompatible with international human rights instruments that are binding on that Government,

1. Takes note with appreciation of the interim report of the Special Rapporteur 1/ and the considerations and the observations contained therein;

2. Expresses its deep concern about the numerous and detailed allegations of grave human rights violations by the Government of Iraq to which the Special Rapporteur has referred in his report, in particular:

(a) Arbitrary detention, including women, children and the elderly, as well as the systematic practice of torture and other cruel, inhuman or degrading practices, and of enforced or involuntary disappearances as a part of a general structured programme of repression aimed at quelling opposition;

(b) Extrajudicial killings, including political killings and summary or arbitrary executions throughout the country, particularly in the northern Kurdish autonomous region, in southern Shiah centres and in the southern marshes;

(c) Hostage-taking and the use of persons as "human shields", a most grave and blatant violation of Iraq's obligations under international law;

3. Calls upon the Government of Iraq to release all persons arrested and detained without ever being informed of charges against them, and without access to legal counsel or due process of law;

4. Calls furthermore upon the Government of Iraq, as a State party to the International Covenant on Civil and Political Rights, to abide by its obligations under this Covenant and under other international instruments on human rights, and particularly to respect and ensure these rights to all individuals irrespective of their origin within its territory and subject to its jurisdiction, including Kurds and Shi'ites;

5. Regrets the failure of the Government of Iraq to provide satisfactory replies to all the allegations of violations of human rights and calls upon the Government of Iraq to reply quickly in a comprehensive and detailed manner to these allegations so as to enable the Special Rapporteur to form an accurate assessment as a basis for his recommendations to the Commission on Human Rights;

6. Urges, therefore, the Government of Iraq to accord its full cooperation to the Special Rapporteur of the Commission on Human Rights during his forthcoming visit to Iraq to investigate the allegations of violations of human rights;

7. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission to fulfil his mandate;

1/ A/46/647.

8. Decides to continue the examination of the situation of human rights in Iraq during its forty-seventh session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Belarus, Benin, Bolivia, Cuba, Cyprus, Czechoslovakia, Lao People's Democratic Republic, Madagascar, Mongolia, Morocco, Poland, Togo, Ukraine, Union of Soviet Socialist Republics and Viet Nam: draft resolution

Human rights and scientific and technological progress

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights 2/ and the Declaration on Social Progress and Development, 3/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 2542 (XXIV).

Recalling the relevant provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, 4/

Reaffirming the need to respect human rights and freedoms and the dignity of the human person in the conditions of scientific and technological progress,

Bearing in mind also that the main and decisive factor in the acceleration of the social and economic development of society is the development of the human being,

Conscious that modern science and technology give the possibility to create material conditions for the prosperity of society and for the thorough development of the human person,

Being convinced that today the resources of mankind and the activities of scientists should be used for the peaceful social, economic and cultural development of all countries, raising the standard of living of all peoples and for better assurance of human rights and fundamental freedoms,

Recognizing the need to broaden the access of developing countries to the achievements of scientific and technological progress,

Recognizing also the important contribution of science and technology to the economic and social progress of mankind,

Aware that the exchange of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of all countries, and especially of developing countries,

1. Underlines the importance of the implementation by all States of the provisions and principles contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind for the promotion of the realization of human rights and fundamental freedoms;

2. Calls upon all Member States to ensure that the achievements of scientific and technological progress and the intellectual potential of mankind are used for promoting and encouraging universal respect for human rights and fundamental freedoms;

3. Once again calls upon Member States to take the necessary measures to ensure that the results of science and technology are used only for the benefit of the human being and do not lead to the disturbance of the ecological environment;

4/ Resolution 3384 (XXX).

4. Underlines the need that scientific knowledge and technology in health, education, housing and other social spheres should be readily available to the population as the heritage of humanity;

5. Requests the specialized agencies and other United Nations bodies to take into consideration the relevant provisions of the international instruments listed above in their programmes and activities;

6. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Human rights and scientific and technological progress".